

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.: 3:12-CR-101-TAV-DCP-9
)
LASHELBY KEONE BOURNE,)
)
Defendant.)

ORDER

Before the Court is defendant's motion for early termination of supervised release [Doc. 858]. On April 1, 2013, defendant pleaded guilty to conspiracy to distribute and possess with intent to distribute 280 grams or more of a mixture and substance containing a detectable amount of cocaine base and five kilograms or more of a mixture and substance containing a detectable amount of cocaine [Doc. 258]. The Court later sentenced defendant to a term of 65 months' imprisonment, to be followed by five years of supervised release [Doc. 566]. On February 19, 2019, defendant filed his motion requesting that the Court prematurely terminate his supervised release [Doc. 858]. In support of his request, defendant submits that he has been consistently employed since his release from prison, aside from the time he spent recovering from injuries he sustained in a motor vehicle accident, and has maintained stable housing with his fiancé, with whom he continues to work to support his two daughters. Defendant further states that he has complied with the conditions of his release and hopes to continue contributing positively to his community.

The United States Probation Office has informed the Court that defendant reported for a drug screen on June 4, 2019, and that although the sample provided by defendant tested positive for cocaine, defendant denied any illegal drug use. Probation further states that the sample was confirmed positive on June 8, 2019. For this reason, both the government and the probation officer oppose defendant's request for early termination.

Title 18, § 3583(e)(1) of the United States Code provides as follows:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)–

- (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice

18 U.S.C. § 3583(e). After carefully considering the requirements of the statute, the Court finds that the relevant provisions of 18 U.S.C. § 3553(a) do not support early termination of defendant's supervised release at this time. Although the Court commends defendant for the improvements he has made in his life thus far, including his continued support of his family, the Court finds that early termination of supervised release is not appropriate given defendant's recently-failed drug screen. Accordingly, defendant's motion [Doc. 858] is **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE